

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

**Dallas Division**

ROBERT HOPKINS, III,

Plaintiff,

v.

DEPARTMENT OF DEFENSE,

Defendant.

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Civil Action No. 3:22-cv-00706 (E)

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**PLAINTIFF’S UNOPPOSED MOTION TO STAY  
BRIEFING OF DEFENDANT’S MOTION TO  
DISMISS AND FOR SUMMARY JUDGMENT**

NOW COMES Plaintiff to respectfully ask the Court to stay the briefing of Defendants’ Motion to Dismiss and for Summary Judgment, Dkt. #32, until it resolves Plaintiff’s forthcoming two procedural motions: one to unseal part of Defendant’s appendix and one to authorize access by the undersigned to the response Plaintiff submitted directly to Defendant on 24 July 2023 demonstrating that the information being censored by Defendant in this case was previously officially declassified and/or disclosed.

Plaintiff has good cause to request this extension. For the reasons which will be set forth in the forthcoming motion to unseal, Plaintiff maintains that certain information in the purportedly classified appendix directly relevant to his case in

chief is not classified or even classifiable, and that Defendant is accordingly required to file it on the public record. For the reasons which will be set forth in the forthcoming motion for access, Plaintiff maintains that his undersigned attorney is entitled to see the evidence he has provided to Defendant proving that the information being censored in this case has been officially declassified or was not classified in the first place, so that his undersigned attorney can accordingly use that evidence to prove as much to the Court. It is therefore in the interest of judicial economy and fairness to resolve these forthcoming motions—the first of which will be filed on 5 January 2024 and the second of which will likely be filed soon thereafter—before requiring Plaintiff to attempt to write a brief which would by definition be fundamentally altered by the granting of either motion. Plaintiff accordingly asks that the Court stay this briefing and order that Plaintiff's opposition to Defendants' motion and any accompanying cross-motion be filed no later than two weeks from the date it resolves the intervening motions.

Defendant does not oppose this Motion. A proposed Order has been included with this Motion.

Date: January 3, 2024

Respectfully submitted,

/s/ Kelly B. McClanahan

Kelly B. McClanahan, Esq.

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*Counsel for Plaintiff*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing filing contains 313 words.

/s/ Kelly B. McClanahan

Kelly B. McClanahan, Esq.